

1 343.15 (4) (a) 3. A person who is a ward of the state, county, or court and who
2 has been placed in a foster home ~~or a treatment foster home~~ or in the care of a
3 religious welfare service.

4 **SECTION 241.** 619.01 (1) (a) of the statutes is amended to read:

5 619.01 (1) (a) *Establishment of plans.* If the commissioner finds after a hearing
6 that in any part of this state automobile insurance, property insurance, health care
7 liability insurance, liability insurance but not to include coverage for risks ~~which~~
8 that are determined to be uninsurable, worker's compensation insurance, insurance
9 coverage for foster homes ~~or treatment foster homes~~, or insurance coverage for group
10 homes is not readily available in the voluntary market, and that the public interest
11 requires ~~such~~ that availability, the commissioner may by rule either promulgate
12 plans to provide such insurance coverages for any risks in this state ~~which~~ that are
13 equitably entitled to, but otherwise unable to obtain ~~such~~, that coverage, or may call
14 upon the insurance industry to prepare plans for the commissioner's approval.

15 **SECTION 242.** 619.01 (1) (c) 1. of the statutes is amended to read:

16 619.01 (1) (c) 1. Each plan, except a health care liability insurance plan, a foster
17 home protection insurance plan, ~~a treatment foster home protection insurance plan~~
18 or a group home protection insurance plan, shall require participation by all insurers
19 doing any business in this state of the types covered by the specific plan and all
20 agents licensed to represent ~~such~~ those insurers in this state for the specified types
21 of business, except that the commissioner may exclude classes of persons for
22 administrative convenience or because it is not equitable or practicable to require
23 them to participate in the plan.

24 **SECTION 243.** 619.01 (1) (c) 4m. of the statutes is repealed.

25 **SECTION 244.** 619.01 (9) of the statutes is amended to read:

1 619.01 (9) FOSTER HOME PROTECTION INSURANCE. In this section "foster home
2 protection insurance" means insurance coverage to protect persons who receive a
3 license to operate a foster home under s. 48.62 (1) (a) against the unique risks,
4 determined by the commissioner, to which ~~such~~ those persons are exposed. If the
5 persons have insurance ~~which that~~ covers any of ~~these~~ those risks, the foster home
6 protection insurance may insure against any or all of the other risks, and may
7 provide additional or excess limits coverage for any or all of ~~these~~ those risks.

8 **SECTION 245.** 619.01 (9m) of the statutes is repealed.

9 **SECTION 246.** 767.205 (2) (a) 3. of the statutes is amended to read:

10 767.205 (2) (a) 3. Whenever aid under s. 48.57 ~~(3m) or (3n)~~, 48.645, 49.19, or
11 49.45 is provided on behalf of a dependent child or benefits are provided to the child's
12 custodial parent under ss. 49.141 to 49.161.

13 **SECTION 247.** 767.205 (2) (a) 4. of the statutes is amended to read:

14 767.205 (2) (a) 4. Whenever aid under s. 48.57 ~~(3m) or (3n)~~, 48.645, 49.19, or
15 49.45 has, in the past, been provided on behalf of a dependent child, or benefits have,
16 in the past, been provided to the child's custodial parent under ss. 49.141 to 49.161,
17 and the child's family is eligible for continuing child support services under 45 CFR
18 302.33.

19 **SECTION 248.** 767.407 (1) (c) 1. of the statutes is amended to read:

20 767.407 (1) (c) 1. Aid is provided under s. 48.57 ~~(3m) or (3n)~~, 48.645, 49.19, or
21 49.45 on behalf of the child, or benefits are provided to the child's custodial parent
22 under ss. 49.141 to 49.161, but the state and its delegate under s. 49.22 (7) are barred
23 by a statute of limitations from commencing an action under s. 767.80 on behalf of
24 the child.

25 **SECTION 249.** 767.41 (3) (c) of the statutes is amended to read:

1 767.41 (3) (c) The court shall hold a hearing to review the permanency plan
2 within 30 days after receiving a report under par. (b). At least 10 days before the date
3 of the hearing, the court shall provide notice of the time, date, and purpose of the
4 hearing to the agency that prepared the report, the child's parents, the child, if he
5 or she is 12 years of age or over, and the child's foster parent, ~~treatment foster parent~~
6 or the operator of the facility in which the child is living.

7 **SECTION 250.** 767.521 (intro.) of the statutes is amended to read:

8 **767.521 Action by state for child support.** (intro.) The state or its delegate
9 under s. 49.22 (7) shall bring an action for support of a minor child under s. 767.001
10 (1) (f) or for paternity determination and child support under s. 767.80 if the child's
11 right to support is assigned to the state under s. ~~48.57 (3m) (b) 2. or (3n) (b) 2.,~~ 48.645
12 (3), 49.145 (2) (s), 49.19 (4) (h) 1. b., or 49.775 (2) (bm) and all of the following apply:

13 **SECTION 251.** 767.55 (3) (a) 2. of the statutes is amended to read:

14 767.55 (3) (a) 2. The child's right to support is assigned to the state under s.
15 ~~48.57 (3m) (b) 2. or (3n) (b) 2.,~~ 48.645 (3), or 49.19 (4) (h) 1. b.

16 **SECTION 252.** 767.57 (1m) (cm) of the statutes is repealed.

17 **SECTION 253.** 767.57 (2) of the statutes is amended to read:

18 767.57 (2) PROCEDURE IF RECIPIENT ON PUBLIC ASSISTANCE. If a party entitled to
19 maintenance or support, or both, is receiving public assistance under ch. 49, the
20 party may assign the party's right to support or maintenance to the county
21 department under s. 46.215, 46.22, or 46.23 granting the assistance. The assignment
22 shall be approved by order of the court granting the maintenance or support. The
23 assignment may not be terminated if there is a delinquency in the amount to be paid
24 to the assignee of maintenance and support previously ordered without the written
25 consent of the assignee or upon notice to the assignee and a hearing. When an

1 assignment of maintenance or support, or both, has been approved by the order, the
2 assignee shall be ~~deemed~~ considered a real party in interest ~~within~~ under s. 803.01
3 solely for the purpose of securing payment of unpaid maintenance or support ordered
4 to be paid, by participating in proceedings to secure the payment of unpaid amounts.
5 Notwithstanding assignment under this subsection, and without further order of the
6 court, the department or its designee, upon receiving notice that a party or a minor
7 child of the parties is receiving aid under s. 48.645 or public assistance under ch. 49
8 ~~or that a kinship care relative or long-term kinship care relative of the minor child~~
9 ~~is receiving kinship care payments or long-term kinship care payments for the minor~~
10 ~~child~~, shall forward all support assigned under s. ~~48.57 (3m) (b) 2. or (3n) (b) 2.,~~
11 48.645 (3), 49.19 (4) (h) 1., or 49.45 (19) to the assignee under s. ~~48.57 (3m) (b) 2. or~~
12 ~~(3n) (b) 2.,~~ 48.645 (3), 49.19 (4) (h) 1., or 49.45 (19).

13 **SECTION 254.** 767.57 (4) of the statutes is amended to read:

14 767.57 (4) PROCEDURE FOR CERTAIN CHILD RECIPIENTS. If an order or judgment
15 providing for the support of one or more children not receiving aid under s. ~~48.57 (3m)~~
16 ~~or (3n)~~, 48.645, or 49.19 includes support for a minor who is the beneficiary of aid
17 under s. ~~48.57 (3m) or (3n)~~, 48.645, or 49.19, any support payment made under the
18 order or judgment is assigned to the state under s. ~~48.57 (3m) (b) 2. or (3n) (b) 2.,~~
19 48.645 (3), or 49.19 (4) (h) 1. b. in the amount that is the proportionate share of the
20 minor receiving aid under s. ~~48.57 (3m) or (3n)~~, 48.645, or 49.19, except as otherwise
21 ordered by the court on the motion of a party.

22 **SECTION 255.** 767.59 (1c) (a) (intro.) of the statutes is amended to read:

23 767.59 (1c) (a) (intro.) On the petition, motion, or order to show cause of either
24 of the parties, the department, a county department under s. 46.215, 46.22, or 46.23,
25 or a county child support agency under s. 59.53 (5) if an assignment has been made

1 under s. ~~48.57 (3m) (b) 2. or (3n) (b) 2.,~~ 48.645 (3), 49.19 (4) (h), or 49.45 (19) or if either
2 party or their minor children receive aid under s. ~~48.57 (3m) or (3n) or~~ 48.645 or ch.
3 49, a court may, except as provided in par. (b), do any of the following:

4 **SECTION 256.** [✓] 767.87 (6) (a) of the statutes is amended to read:

5 767.87 (6) (a) Whenever the state brings the action to determine paternity
6 pursuant to an assignment under s. ~~48.57 (3m) (b) 2. or (3n) (b) 2.,~~ 48.645 (3), 49.19
7 (4) (h) 1., or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157, or 49.159,
8 the natural mother of the child may not be compelled to testify about the paternity
9 of the child if it has been determined that the mother has good cause for refusing to
10 cooperate in establishing paternity as provided in 42 USC 602 (a) (26) (B) and the
11 federal regulations promulgated ~~pursuant to this~~ under that statute, as of
12 July 1, 1981, and ~~pursuant to~~ under any rules promulgated by the department which
13 that define good cause in accordance with the federal regulations, as authorized by
14 42 USC 602 (a) (26) (B) in effect on July 1, 1981.

15 **SECTION 257.** [✓] 767.87 (6) (b) of the statutes is amended to read:

16 767.87 (6) (b) Nothing in par. (a) prevents the state from bringing an action to
17 determine paternity pursuant to an assignment under s. ~~48.57 (3m) (b) 2. or (3n) (b)~~
18 ~~2.,~~ 49.19 (4) (h) 1. or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157
19 or 49.159, where when evidence other than the testimony of the mother may
20 establish the paternity of the child.

21 **SECTION 258.** [✓] 786.37 (3) of the statutes is amended to read:

22 786.37 (3) This section does not apply to the name change of a minor if the
23 parental rights to the minor of both parents have been terminated, guardianship and
24 legal custody of the minor have been transferred under subch. VIII of ch. 48, the
25 minor has been placed in a permanent foster home ~~or a permanent treatment foster~~

1 home, and the guardian and legal custodian of the minor have petitioned to change
2 the minor's name to the name or names of the minor's foster parents ~~or treatment~~
3 ~~foster parents.~~

4 **SECTION 259.** 809.105 (13) of the statutes is amended to read:

5 809.105 **(13)** CERTAIN PERSONS BARRED FROM PROCEEDINGS. No parent, or
6 guardian or legal custodian, if one has been appointed, or foster parent ~~or treatment~~
7 ~~foster parent~~, if the minor has been placed in a foster home ~~or treatment foster home~~,
8 and the minor's parent has signed a waiver granting the department of children and
9 families, a county department under s. 46.215, 46.22, or 46.23, ~~the foster parent or~~
10 ~~the treatment foster parent~~ the authority to consent to medical services or treatment
11 on behalf of the minor, or adult family member, as defined in s. 48.375 (2) (b), of any
12 minor who has initiated an appeal under this section may attend or intervene in any
13 proceeding under this section.

14 **SECTION 260.** 895.485 (title) of the statutes is amended to read:

15 **895.485 (title) Civil liability exemption; agencies, foster parents,**
16 **~~treatment foster parents and family-operated group home parents.~~**

17 **SECTION 261.** 895.485 (1) (c) of the statutes is repealed.

18 **SECTION 262.** 895.485 (2) (intro.) of the statutes is amended to read:

19 895.485 **(2)** (intro.) Except as provided in ss. 167.10 (7) and 343.15 (2), any
20 foster, ~~treatment foster~~ or family-operated group home parent licensed under s.
21 48.62 or 48.625 is immune from civil liability for any of the following:

22 **SECTION 263.** 895.485 (2) (a) of the statutes is amended to read:

23 895.485 **(2)** (a) An act or omission of the foster, ~~treatment foster~~ or
24 family-operated group home parent while that parent is acting in his or her capacity
25 as a foster, ~~treatment foster~~ or family-operated group home parent.

1 **SECTION 264.** [✓] 895.485 (2) (b) of the statutes is amended to read:

2 895.485 (2) (b) An act or omission of a child who is placed in a foster home,
3 ~~treatment foster home~~ or family-operated group home while the child is in the foster,
4 ~~treatment foster~~ or family-operated group home parent's care.

5 **SECTION 265.** [✓] 895.485 (3) of the statutes is amended to read:

6 895.485 (3) The immunity specified in sub. (2) does not apply if the act or
7 omission of a foster, ~~treatment foster~~ or family-operated group home parent was not
8 done in good faith or was not in compliance with any written instructions, received
9 from the agency that placed the child, regarding specific care and supervision of the
10 child. The good faith of a foster, ~~treatment foster~~ or family-operated group home
11 parent and the compliance of the foster, ~~treatment foster~~ or family-operated group
12 home parent with any written instructions received from the agency that placed the
13 child are presumed in a civil action. Any person who asserts that a foster, ~~treatment~~
14 ~~foster~~ or family-operated group home parent did not act in good faith, or did not
15 comply with written instructions received from the agency that placed the child, has
16 the burden of proving that assertion.

17 **SECTION 266.** [✓] 895.485 (4) (intro.) of the statutes is amended to read:

18 895.485 (4) (intro.) Any agency that acts in good faith in placing a child with
19 a foster, ~~treatment foster~~ or family-operated group home parent is immune from civil
20 liability for any act or omission of the agency, the foster, ~~treatment foster~~ or
21 family-operated group home parent, or the child unless all of the following occur:

22 **SECTION 267.** [✓] 895.485 (4) (a) of the statutes is amended to read:

23 895.485 (4) (a) The agency has failed to provide the foster, ~~treatment foster~~, or
24 family-operated group home parent with any information relating to a medical,
25 physical, mental, or emotional condition of the child that it is required to disclose

1 under this paragraph. The department of children and families shall promulgate
2 rules specifying the kind of information that an agency shall disclose to a foster,
3 ~~treatment foster,~~ or family-operated group home parent which that relates to a
4 medical, physical, mental, or emotional condition of the child.

5 **SECTION 268.** 938.02 (6) of the statutes is amended to read:

6 938.02 (6) "Foster home" means any facility that is operated by a person
7 required to be licensed by s. 48.62 (1) ~~(a)~~ and that provides care and maintenance for
8 no more than 4 juveniles or, if necessary to enable a sibling group to remain together,
9 for no more than 6 juveniles or, if the department of children and families
10 promulgates rules permitting a different number of juveniles, for the number of
11 juveniles permitted under those rules.

12 **SECTION 269.** 938.02 (17q) of the statutes is repealed.

13 **SECTION 270.** 938.207 (1) (c) of the statutes is amended to read:

14 938.207 (1) (c) A licensed foster home ~~or a licensed treatment foster home~~ if the
15 placement does not violate the conditions of the license.

16 **SECTION 271.** 938.207 (1) (f) of the statutes is amended to read:

17 938.207 (1) (f) The home of a person not a relative if the person has not had a
18 ~~foster home or treatment foster home~~ license under s. 48.62 refused, revoked, or
19 suspended within the previous 2 years. ~~Such a~~ A placement under this paragraph
20 may not exceed 30 days, unless the placement is extended by the court for cause for
21 an additional 30 days.

22 **SECTION 272.** 938.21 (5) (d) 2. of the statutes is amended to read:

23 938.21 (5) (d) 2. If a hearing is held under subd. 1, at least 10 days before the
24 date of the hearing the court shall notify the juvenile, any parent, guardian, and legal
25 custodian of the juvenile, and any foster parent, ~~treatment foster parent,~~ or other

1 physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and
2 purpose of the hearing.

3 **SECTION 273.** 938.21 (5) (d) 3. of the statutes is amended to read:

4 938.21 (5) (d) 3. The court shall give a foster parent, ~~treatment foster parent,~~
5 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
6 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
7 ~~treatment foster parent,~~ or other physical custodian to make a written or oral
8 statement during the hearing, or to submit a written statement prior to the hearing,
9 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
10 ~~foster parent,~~ or other physical custodian who receives a notice of a hearing under
11 subd. 2. and an opportunity to be heard under this subdivision does not become a
12 party to the proceeding on which the hearing is held solely on the basis of receiving
13 that notice and opportunity to be heard.

14 **SECTION 274.** 938.27 (3) (a) 1. of the statutes is amended to read:

15 938.27 (3) (a) 1. The court shall notify, under s. 938.273, the juvenile, any
16 parent, guardian, and legal custodian of the juvenile, any foster parent, ~~treatment~~
17 ~~foster parent~~ or other physical custodian described in s. 48.62 (2) of the juvenile, and
18 any person specified in par. (b), if applicable, of all hearings involving the juvenile
19 under this subchapter, except hearings on motions for which notice must be provided
20 only to the juvenile and his or her counsel. If parents entitled to notice have the same
21 place of residence, notice to one constitutes notice to the other. The first notice to any
22 interested party, foster parent, ~~treatment foster parent,~~ or other physical custodian
23 described in s. 48.62 (2) shall be in writing and may have a copy of the petition
24 attached to it. Notices of subsequent hearings may be given by telephone at least 72
25 hours before the time of the hearing. The person giving telephone notice shall place

1 in the case file a signed statement of the date and time notice was given and the
2 person to whom he or she spoke.

3 **SECTION 275.** 938.27 (3) (a) 1m. of the statutes is amended to read:

4 938.27 (3) (a) 1m. The court shall give a foster parent, ~~treatment foster parent~~
5 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
6 subd. 1. an opportunity to be heard at the hearing by permitting the foster parent,
7 ~~treatment foster parent~~ or other physical custodian to make a written or oral
8 statement during the hearing, or to submit a written statement prior to the hearing,
9 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
10 ~~foster parent~~ or other physical custodian described in s. 48.62 (2) who receives a
11 notice of a hearing under subd. 1. and an opportunity to be heard under this
12 subdivision does not become a party to the proceeding on which the hearing is held
13 solely on the basis of receiving that notice and opportunity to be heard.

14 **SECTION 276.** 938.27 (3) (a) 2. of the statutes is amended to read:

15 938.27 (3) (a) 2. Failure to give notice under subd. 1. to a foster parent,
16 ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) does not
17 deprive the court of jurisdiction in the action or proceeding. If a foster parent,
18 ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) is not
19 given notice of a hearing under subd. 1., that person may request a rehearing on the
20 matter during the pendency of an order resulting from the hearing. If the request
21 is made, the court shall order a rehearing.

22 **SECTION 277.** 938.27 (6) of the statutes is amended to read:

23 938.27 (6) INTERSTATE COMPACT PROCEEDINGS; NOTICE AND SUMMONS. When a
24 proceeding is initiated under s. 938.14, all interested parties shall receive notice and
25 appropriate summons shall be issued in a manner specified by the court. If the

1 juvenile who is the subject of the proceeding is in the care of a foster parent,
2 ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2), the
3 court shall give the foster parent, ~~treatment foster parent~~, or other physical
4 custodian notice and an opportunity to be heard as provided in sub. (3) (a).

5 **SECTION 278.** 938.299 (1) (ag) of the statutes is amended to read:

6 938.299 (1) (ag) If a public hearing is not held, in addition to persons permitted
7 to attend under par. (a), the juvenile's foster parent, ~~treatment foster parent~~ or other
8 physical custodian described in s. 48.62 (2) may be present, except that the court may
9 exclude a foster parent, ~~treatment foster parent~~ or other physical custodian
10 described in s. 48.62 (2) from any portion of the hearing if that portion of the hearing
11 deals with sensitive personal information of the juvenile or the juvenile's family or
12 if the court determines that excluding the foster parent, ~~treatment foster parent~~ or
13 other physical custodian would be in the best interests of the juvenile.

14 **SECTION 279.** 938.32 (1) (d) 2. of the statutes is amended to read:

15 938.32 (1) (d) 2. At least 10 days before the date of the hearing under subd. 1.,
16 the court shall notify the juvenile, any parent, guardian, and legal custodian of the
17 juvenile, and any foster parent, ~~treatment foster parent~~, or other physical custodian
18 described in s. 48.62 (2) of the juvenile of the time, place, and purpose of the hearing.

19 **SECTION 280.** 938.32 (1) (d) 3. of the statutes is amended to read:

20 938.32 (1) (d) 3. The court shall give a foster parent, ~~treatment foster parent~~,
21 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
22 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
23 ~~treatment foster parent~~, or other physical custodian to make a written or oral
24 statement during the hearing, or to submit a written statement prior to the hearing,
25 relevant to the issues to be determined at the hearing. The foster parent, ~~treatment~~

1 ~~foster parent~~, or other physical custodian does not become a party to the proceeding
2 on which the hearing is held solely on the basis of receiving the notice and having the
3 opportunity to be heard.

4 **SECTION 281.** 938.33 (4) (intro.) of the statutes is amended to read:

5 938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
6 placement in a foster home, ~~treatment foster home~~, group home, or nonsecured
7 residential care center for children and youth, in the home of a relative other than
8 a parent, or in the home of a guardian under s. 48.977 (2) shall be in writing, except
9 that the report may be presented orally at the dispositional hearing if all parties
10 consent. A report that is presented orally shall be transcribed and made a part of the
11 court record. The report shall include all of the following:

12 **SECTION 282.** 938.33 (5) of the statutes is amended to read:

13 938.33 (5) IDENTITY OF FOSTER PARENT ~~OR TREATMENT FOSTER PARENT~~;
14 CONFIDENTIALITY. If the report recommends placement in a foster home ~~or a treatment~~
15 ~~foster home~~, and the name of the foster parent ~~or treatment foster parent~~ is not
16 available at the time the report is filed, the agency shall provide the court and the
17 juvenile's parent or guardian with the name and address of the foster parent ~~or~~
18 ~~treatment foster parent~~ within 21 days after the dispositional order is entered,
19 except that the court may order the information withheld from the juvenile's parent
20 or guardian if the court finds that disclosure would result in imminent danger to the
21 juvenile or to the foster parent ~~or treatment foster parent~~. After notifying the
22 juvenile's parent or guardian, the court shall hold a hearing prior to ordering the
23 information withheld.

24 **SECTION 283.** 938.335(3g) (intro.) of the statutes is amended to read:

1 938.335 **(3g)** REASONABLE EFFORTS FINDING. (intro.) At hearings under this
2 section, if the agency, as defined in s. 938.38 (1) (a), is recommending placement of
3 the juvenile in a foster home, ~~treatment foster home~~, group home, or residential care
4 center for children and youth, or in the home of a relative other than a parent, the
5 agency shall present as evidence specific information showing all of the following:

6 **SECTION 284.** [✓] 938.34 (3) (c) of the statutes is amended to read:

7 938.34 **(3)** (c) A foster home ~~or treatment foster home~~ licensed under s. 48.62
8 or a group home licensed under s. 48.625.

9 **SECTION 285.** [✓] 938.355 (2) (b) 2. of the statutes is amended to read:

10 938.355 **(2)** (b) 2. If the juvenile is placed outside the home, the name of the
11 place or facility, including transitional placements, where the juvenile shall be cared
12 for or treated, except that if the placement is a foster home ~~or treatment foster home~~
13 and the name and address of the foster parent ~~or treatment foster parent~~ is not
14 available at the time of the order, the name and address of the foster parent ~~or~~
15 ~~treatment foster parent~~ shall be furnished to the court and the parent within 21 days
16 ~~of~~ after the order. If, after a hearing on the issue with due notice to the parent or
17 guardian, the court finds that disclosure of the identity of the foster parent ~~or~~
18 ~~treatment foster parent~~ would result in imminent danger to the juvenile, ~~the foster~~
19 parent or the ~~treatment foster parent~~, the court may order the name and address of
20 the prospective foster parents ~~or treatment foster parents~~ withheld from the parent
21 or guardian.

22 **SECTION 286.** [✓] 938.355 (2d) (c) 2. of the statutes is amended to read:

23 938.355 **(2d)** (c) 2. If a hearing is held under subd. 1., at least 10 days before
24 the date of the hearing the court shall notify the juvenile, any parent, guardian, and
25 legal custodian of the juvenile, and any foster parent, ~~treatment foster parent~~, or

1 other physical custodian described in s. 48.62 (2) of the juvenile of the time, place,
2 and purpose of the hearing.

3 **SECTION 287.** 938.355 (2d) (c) 3. of the statutes is amended to read:

4 938.355 (2d) (c) 3. The court shall give a foster parent, ~~treatment foster parent,~~
5 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
6 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
7 ~~treatment foster parent,~~ or other physical custodian to make a written or oral
8 statement during the hearing, or to submit a written statement prior to the hearing,
9 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
10 ~~foster parent,~~ or other physical custodian who receives a notice of a hearing under
11 subd. 2. and an opportunity to be heard under this subdivision does not become a
12 party to the proceeding on which the hearing is held solely on the basis of receiving
13 that notice and opportunity to be heard.

14 **SECTION 288.** 938.355 (4) (a) of the statutes is amended to read:

15 938.355 (4) (a) Except as provided under par. (b) or s. 938.368, an order under
16 this section or s. 938.357 or 938.365 made before the juvenile attains 18 years of age
17 that places or continues the placement of the juvenile in his or her home shall
18 terminate at the end of one year after the date on which the order is granted unless
19 the court specifies a shorter period of time or the court terminates the order sooner.
20 Except as provided in par. (b) or s. 938.368, an order under this section or s. 938.357
21 or 938.365 made before the juvenile attains 18 years of age that places or continues
22 the placement of the juvenile in a foster home, ~~treatment foster home,~~ group home,
23 or residential care center for children and youth or in the home of a relative other
24 than a parent shall terminate when the juvenile attains 18 years of age, at the end
25 of one year after the date on which the order is granted, or, if the juvenile is a

1 full-time student at a secondary school or its vocational or technical equivalent and
2 is reasonably expected to complete the program before attaining 19 years of age,
3 when the juvenile attains 19 years of age, whichever is later, unless the court
4 specifies a shorter period of time or the court terminates the order sooner.

5 **SECTION 289.** 938.357 (1) (am) 1. of the statutes is amended to read:

6 938.357 (1) (am) 1. If the proposed change in placement involves any change
7 in placement other than a change in placement under par. (c), the person or agency
8 primarily responsible for implementing the dispositional order or the district
9 attorney shall cause written notice of the proposed change in placement to be sent
10 to the juvenile, the parent, guardian, and legal custodian of the juvenile, and any
11 foster parent, ~~treatment foster parent~~, or other physical custodian described in s.
12 48.62 (2) of the juvenile. The notice shall contain the name and address of the new
13 placement, the reasons for the change in placement, a statement describing why the
14 new placement is preferable to the present placement, and a statement of how the
15 new placement satisfies objectives of the treatment plan ordered by the court.

16 **SECTION 290.** 938.357 (1) (am) 2. of the statutes is amended to read:

17 938.357 (1) (am) 2. Any person receiving the notice under subd. 1. or notice of
18 a specific foster or ~~treatment foster~~ placement under s. 938.355 (2) (b) 2. may obtain
19 a hearing on the matter by filing an objection with the court within 10 days after
20 receipt of the notice. Placements may not be changed until 10 days after that notice
21 is sent to the court unless the parent, guardian, or legal custodian and the juvenile,
22 if 12 or more years of age, sign written waivers of objection, except that changes in
23 placement that were authorized in the dispositional order may be made immediately
24 if notice is given as required under subd. 1. In addition, a hearing is not required for
25 placement changes authorized in the dispositional order except when an objection

1 filed by a person who received notice alleges that new information is available that
2 affects the advisability of the court's dispositional order.

3 **SECTION 291.** 938.357 (2m) (b) of the statutes is amended to read:

4 938.357 (2m) (b) *Hearing; when required.* The court shall hold a hearing prior
5 to ordering any change in placement requested or proposed under par. (a) if the
6 request states that new information is available that affects the advisability of the
7 current placement. A hearing is not required if the requested or proposed change in
8 placement does not involve a change in placement of a juvenile placed in the home
9 to a placement outside the home, written waivers of objection to the proposed change
10 in placement are signed by all parties entitled to receive notice under sub. (1) (am)
11 1., and the court approves. If a hearing is scheduled, the court shall notify the
12 juvenile, the parent, guardian, and legal custodian of the juvenile, any foster parent,
13 ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) of the
14 juvenile, and all parties who are bound by the dispositional order at least 3 days prior
15 to the hearing. A copy of the request or proposal for the change in placement shall
16 be attached to the notice. If all of the parties consent, the court may proceed
17 immediately with the hearing.

18 **SECTION 292.** 938.357 (2r) of the statutes is amended to read:

19 938.357 (2r) REMOVAL FROM FOSTER HOME OR PHYSICAL CUSTODIAN. If a hearing
20 is held under sub. (1) (am) 2. or (2m) (b) and the change in placement would remove
21 a juvenile from a foster home, ~~treatment foster home~~, or other placement with a
22 physical custodian described in s. 48.62 (2), the court shall give the foster parent,
23 ~~treatment foster parent~~, or other physical custodian an opportunity to be heard at
24 the hearing by permitting the foster parent, ~~treatment foster parent~~, or other
25 physical custodian to make a written or ~~ora~~l statement during the hearing or to

1 submit a written statement prior to the hearing relating to the juvenile and the
2 requested change in placement. A foster parent, ~~treatment foster parent~~, or other
3 physical custodian who receives notice of a hearing under sub. (1) (am) 1. or (2m) (b)
4 and an opportunity to be heard under this subsection does not become a party to the
5 proceeding on which the hearing is held solely on the basis of receiving that notice
6 and opportunity to be heard.

7 **SECTION 293.** 938.357 (2v) (c) 2. of the statutes is amended to read:

8 938.357 (2v) (c) 2. If a hearing is held under subd. 1., at least 10 days before
9 the date of the hearing the court shall notify the juvenile, any parent, guardian, and
10 legal custodian of the juvenile, and any foster parent, ~~treatment foster parent~~, or
11 other physical custodian described in s. 48.62 (2) of the juvenile of the time, place,
12 and purpose of the hearing.

13 **SECTION 294.** 938.357 (2v) (c) 3. of the statutes is amended to read:

14 938.357 (2v) (c) 3. The court shall give a foster parent, ~~treatment foster parent~~,
15 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
16 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
17 ~~treatment foster parent~~, or other physical custodian to make a written or oral
18 statement during the hearing, or to submit a written statement prior to the hearing,
19 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
20 ~~foster parent~~, or other physical custodian who receives a notice of a hearing under
21 subd. 2. and an opportunity to be heard under this subdivision does not become a
22 party to the proceeding on which the hearing is held solely on the basis of receiving
23 that notice and opportunity to be heard.

24 **SECTION 295.** 938.357 (6) of the statutes is amended to read:

1 938.357 (6) DURATION OF ORDER. No change in placement may extend the
2 expiration date of the original order, except that if the change in placement is from
3 a placement in the juvenile's home to a placement in a foster home, ~~treatment foster~~
4 ~~home~~, group home, or residential care center for children and youth or in the home
5 of a relative who is not a parent, the court may extend the expiration date of the
6 original order to the date on which the juvenile attains 18 years of age, to the date
7 that is one year after the date of the change in placement order, or, if the juvenile is
8 a full-time student at a secondary school or its vocational or technical equivalent and
9 is reasonably expected to complete the program before attaining 19 years of age, to
10 the date on which the juvenile attains 19 years of age, whichever is later, or for a
11 shorter period of time as specified by the court. If the change in placement is from
12 a placement in a foster home, ~~treatment foster home~~, group home, or residential care
13 center for children and youth or in the home of a relative to a placement in the
14 juvenile's home and if the expiration date of the original order is more than one year
15 after the date of the change in placement order, the court shall shorten the expiration
16 date of the original order to the date that is one year after the date of the change in
17 placement order or to an earlier date as specified by the court.

18 **SECTION 296.** [✓]938.363 (1) (b) of the statutes is amended to read:

19 938.363 (1) (b) If a hearing is held, the court shall notify the juvenile, the
20 juvenile's parent, guardian, and legal custodian, all parties bound by the
21 dispositional order, the juvenile's foster parent, ~~treatment foster parent~~, or other
22 physical custodian described in s. 48.62 (2), and the district attorney or corporation
23 counsel in the county in which the dispositional order was entered at least 3 days
24 prior to the hearing. A copy of the request or proposal shall be attached to the notice.
25 If all parties consent, the court may proceed immediately with the hearing. No

1 revision may extend the effective period of the original order, or revise an original
2 order under s. 938.34 (3) (f) or (6) (am) to impose more than a total of 30 days of
3 detention, nonsecure custody, or inpatient treatment on a juvenile.

4 **SECTION 297.** [✓]938.363 (1m) of the statutes is amended to read:

5 938.363 (1m) EVIDENCE AND STATEMENTS. If a hearing is held under sub. (1) (a),
6 any party may present evidence relevant to the issue of revision of the dispositional
7 order. In addition, the court shall give a foster parent, ~~treatment foster parent~~, or
8 other physical custodian described in s. 48.62 (2) of the juvenile an opportunity to be
9 heard at the hearing by permitting the foster parent, ~~treatment foster parent~~, or
10 other physical custodian to make a written or oral statement during the hearing, or
11 to submit a written statement prior to the hearing, relevant to the issue of revision.
12 A foster parent, ~~treatment foster parent~~, or other physical custodian who receives
13 notice of a hearing under sub. (1) (a) and an opportunity to be heard under this
14 subsection does not become a party to the proceeding on which the hearing is held
15 solely on the basis of receiving that notice and opportunity to be heard.

16 **SECTION 298.** [✓]938.365 (2) of the statutes is amended to read:

17 938.365 (2) NOTICE. No order may be extended without a hearing. The court
18 shall notify the juvenile or the juvenile's guardian ad litem or counsel, the juvenile's
19 parent, guardian, legal custodian, all of the parties present at the original hearing,
20 the juvenile's foster parent, ~~treatment foster parent~~ or other physical custodian
21 described in s. 48.62 (2), and the district attorney or corporation counsel in the county
22 in which the dispositional order was entered of the time and place of the hearing.

23 **SECTION 299.** [✓]938.365 (2m) (ad) 2. of the statutes is amended to read:

24 938.365 (2m) (ad) 2. If a hearing is held under subd. 1., at least 10 days before
25 the date of the hearing the court shall notify the juvenile, any parent, guardian, and

1 legal custodian of the juvenile, and any foster parent, ~~treatment foster parent~~, or
2 other physical custodian described in s. 48.62 (2) of the juvenile of the time, place,
3 and purpose of the hearing.

4 **SECTION 300.** 938.365 (2m) (ag) of the statutes is amended to read:

5 938.365 (2m) (ag) The court shall give a foster parent, ~~treatment foster parent~~,
6 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
7 par. (ad) 2. or sub. (2) an opportunity to be heard at the hearing by permitting the
8 foster parent, ~~treatment foster parent~~, or other physical custodian to make a written
9 or oral statement during the hearing, or to submit a written statement prior to the
10 hearing, relevant to the issue of extension. A foster parent, ~~treatment foster parent~~,
11 or other physical custodian who receives notice of a hearing under par. (ad) 2. or sub.
12 (2) and an opportunity to be heard under this paragraph does not become a party to
13 the proceeding on which the hearing is held solely on the basis of receiving that notice
14 and opportunity to be heard.

15 **SECTION 301.** 938.365 (5) of the statutes is amended to read:

16 938.365 (5) DURATION OF EXTENSION. Except as provided in s. 938.368, an order
17 under this section that continues the placement of a juvenile in his or her home or
18 that extends an order under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified
19 length of time not to exceed one year after its date of entry. Except as provided in s.
20 938.368, an order under this section that continues the placement of a juvenile in a
21 foster home, ~~treatment foster home~~, group home, or residential care center for
22 children and youth or in the home of a relative other than a parent shall be for a
23 specified length of time not to exceed the date on which the juvenile attains 18 years
24 of age, one year after the date on which the order is granted, or, if the juvenile is a
25 full-time student at a secondary school or its vocational or technical equivalent and

1 is reasonably expected to complete the program before attaining 19 years of age, the
2 date on which the juvenile attains 19 years of age, whichever is later.

3 **SECTION 302.** 938.371 (1) (intro.) of the statutes is amended to read:

4 938.371 (1) MEDICAL INFORMATION. (intro.) If a juvenile is placed in a foster
5 home, ~~treatment foster home~~, group home, residential care center for children and
6 youth, or juvenile correctional facility or in the home of a relative other than a parent,
7 including a placement under s. 938.205 or 938.21, the agency, as defined in s. 938.38
8 (1) (a), that placed the juvenile or arranged for the placement of the juvenile shall
9 provide the following information to the foster parent, ~~treatment foster parent~~,
10 relative, or operator of the group home, residential care center for children and
11 youth, or juvenile correctional facility at the time of placement or, if the information
12 has not been provided to the agency by that time, as soon as possible after the date
13 on which the agency receives that information, but not more than 2 working days
14 after that date:

15 **SECTION 303.** 938.371 (1) (a) of the statutes is amended to read:

16 938.371 (1) (a) Results of a test or a series of tests of the juvenile to determine
17 the presence of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products
18 of HIV, or an antibody to HIV, under s. 252.15 (5) (a) 19., including results included
19 in a court report or permanency plan. At the time that the test results are provided,
20 the agency shall notify the foster parent, ~~treatment foster parent~~, relative, or
21 operator of the group home, residential care center for children and youth, or juvenile
22 correctional facility of the confidentiality requirements under s. 252.15 (6).

23 **SECTION 304.** 938.371 (3) (intro.) of the statutes is amended to read:

24 938.371 (3) OTHER INFORMATION. (intro.) At the time of placement of a juvenile
25 in a foster home, ~~treatment foster home~~, group home, residential care center for

1 children and youth, or juvenile correctional facility or in the home of a relative other
2 than a parent or, if the information is not available at that time, as soon as possible
3 after the date on which the court report or permanency plan has been submitted, but
4 no later than 7 days after that date, the agency, as defined in s. 938.38 (1) (a),
5 responsible for preparing the juvenile's permanency plan shall provide to the foster
6 parent, ~~treatment foster parent~~, relative, or operator of the group home, residential
7 care center for children and youth, or juvenile correctional facility information
8 contained in the court report submitted under s. 938.33 (1) or 938.365 (2g) or
9 permanency plan submitted under s. 938.355 (2e) or 938.38 relating to findings or
10 opinions of the court or agency that prepared the court report or permanency plan
11 relating to any of the following:

12 **SECTION 305.** 938.371 (3) (d) of the statutes is amended to read:

13 938.371 (3) (d) Any involvement of the juvenile, whether as victim or
14 perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02,
15 948.025, or 948.085, prostitution in violation of s. 944.30, sexual exploitation of a
16 child in violation of s. 948.05, or causing a child to view or listen to sexual activity
17 in violation of s. 948.055, if the information is necessary for the care of the juvenile
18 or for the protection of any person living in the foster home, ~~treatment foster home~~,
19 group home, residential care center for children and youth, or juvenile correctional
20 facility.

21 **SECTION 306.** 938.38 (2) (intro.) of the statutes is amended to read:

22 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
23 for each juvenile living in a foster home, ~~treatment foster home~~, group home,
24 residential care center for children and youth, juvenile detention facility, or shelter
25 care facility, the agency that placed the juvenile or arranged the placement or the

1 agency assigned primary responsibility for providing services to the juvenile under
2 s. 938.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following
3 conditions exists, and, for each juvenile living in the home of a relative other than
4 a parent, that agency shall prepare a written permanency plan, if any of the
5 conditions under pars. (a) to (e) exists:

6 **SECTION 307.** 938.38 (4) (f) (intro.) of the statutes is amended to read:

7 938.38 (4) (f) (intro.) A description of the services that will be provided to the
8 juvenile, the juvenile's family, and the juvenile's foster parent, ~~the juvenile's~~
9 ~~treatment foster parent~~, the operator of the facility where the juvenile is living, or
10 the relative with whom the juvenile is living to carry out the dispositional order,
11 including services planned to accomplish all of the following:

12 **SECTION 308.** 938.38 (5) (b) of the statutes is amended to read:

13 938.38 (5) (b) The court or the agency shall notify the parents of the juvenile,
14 the juvenile, if he or she is 10 years of age or older, and the juvenile's foster parent,
15 ~~the juvenile's treatment foster parent~~, the operator of the facility in which the
16 juvenile is living, or the relative with whom the juvenile is living of the date, time,
17 and place of the review, of the issues to be determined as part of the review, and of
18 the fact that they may have an opportunity to be heard at the review by submitting
19 written comments not less than 10 working days before the review or by
20 participating at the review. The court or agency shall notify the person representing
21 the interests of the public, the juvenile's counsel, and the juvenile's guardian ad litem
22 of the date of the review, of the issues to be determined as part of the review, and of
23 the fact that they may submit written comments not less than 10 working days before
24 the review. The notices under this paragraph shall be provided in writing not less

1 than 30 days before the review and copies of the notices shall be filed in the juvenile's
2 case record.

3 **SECTION 309.** 938.38 (5) (e) of the statutes is amended to read:

4 938.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
5 the determinations under par. (c) and shall provide a copy to the court that entered
6 the order, the juvenile or the juvenile's counsel or guardian ad litem, the person
7 representing the interests of the public, the juvenile's parent or guardian and the
8 juvenile's foster parent, ~~the juvenile's treatment foster parent~~ or the operator of the
9 facility where the juvenile is living.

10 **SECTION 310.** 938.38 (5m) (b) of the statutes is amended to read:

11 938.38 (5m) (b) Not less than 30 days before the date of the hearing, the court
12 shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; the
13 juvenile's foster parent ~~or treatment foster parent~~, the operator of the facility in
14 which the juvenile is living, or the relative with whom the juvenile is living; the
15 juvenile's counsel, and the juvenile's guardian ad litem; the agency that prepared the
16 permanency plan; and the person representing the interests of the public of the date,
17 time, and place of the hearing.

18 **SECTION 311.** 938.38 (5m) (c) of the statutes is amended to read:

19 938.38 (5m) (c) Any person who is provided notice of the hearing may have an
20 opportunity to be heard at the hearing by submitting written comments relevant to
21 the determinations specified in sub. (5) (c) not less than 10 working days before the
22 date of the hearing or by participating at the hearing. A foster parent, ~~treatment~~
23 ~~foster parent~~, operator of a facility in which a juvenile is living, or relative with whom
24 a juvenile is living who receives notice of a hearing under par. (b) and an opportunity
25 to be heard under this paragraph does not become a party to the proceeding on which

1 the hearing is held solely on the basis of receiving that notice and opportunity to be
2 heard.

3 **SECTION 312.** 938.38 (5m) (e) of the statutes is amended to read:

4 938.38 (5m) (e) After the hearing, the court shall make written findings of fact
5 and conclusions of law relating to the determinations under sub. (5) (c) and shall
6 provide a copy of those findings of fact and conclusions of law to the juvenile; the
7 juvenile's parent, guardian, and legal custodian; the juvenile's foster parent or
8 ~~treatment foster parent~~, the operator of the facility in which the juvenile is living,
9 or the relative with whom the juvenile is living; the agency that prepared the
10 permanency plan; and the person representing the interests of the public. The court
11 shall make the findings specified in sub. (5) (c) 7. on a case-by-case basis based on
12 circumstances specific to the juvenile and shall document or reference the specific
13 information on which those findings are based in the findings of fact and conclusions
14 of law prepared under this paragraph. Findings of fact and conclusions of law that
15 merely reference sub. (5) (c) 7. without documenting or referencing that specific
16 information in the findings of fact and conclusions of law or amended findings of fact
17 and conclusions of law that retroactively correct earlier findings of fact and
18 conclusions of law that do not comply with this paragraph are not sufficient to comply
19 with this paragraph.

20 **SECTION 313.** 938.48 (4) of the statutes is amended to read:

21 938.48 (4) CARE, TRAINING, AND PLACEMENT. Provide appropriate care and
22 training for juveniles under its supervision under s. 938.183, 938.34 (4h), (4m), or
23 (4n), or 938.357 (4), including serving those juveniles in their own homes, placing
24 them in licensed foster homes or ~~licensed treatment foster homes~~ or licensed group
25 homes under s. 48.63, contracting for their care by licensed child welfare agencies,

1 or replacing them in juvenile correctional facilities or secured residential care
2 centers for children and youth in accordance with rules promulgated under ch. 227,
3 except that the department may not purchase the educational component of private
4 day treatment programs for a juvenile in its custody unless the department, the
5 school board, as defined in s. 115.001 (7), and the state superintendent of public
6 instruction all determine that an appropriate public education program is not
7 available for the juvenile. Disputes between the department and the school district
8 shall be resolved by the state superintendent of public instruction.

9 **SECTION 314.** 938.52 (1) (b) of the statutes is amended to read:

10 938.52 (1) (b) Foster homes ~~or treatment foster homes~~.

11 **SECTION 315.** 938.538 (3) (a) 1p. of the statutes is amended to read:

12 938.538 (3) (a) 1p. Alternate care, including placement in a foster home,
13 ~~treatment foster home~~, group home, residential care center for children and youth,
14 or secured residential care center for children and youth.

15 **SECTION 316.** 938.57 (1) (c) of the statutes is amended to read:

16 938.57 (1) (c) Provide appropriate protection and services for juveniles in its
17 care, including providing services for juveniles and their families in their own homes,
18 placing the juveniles in licensed foster homes, ~~licensed treatment foster homes~~, or
19 licensed group homes in this state or another state within a reasonable proximity to
20 the agency with legal custody, placing the juveniles in the homes of guardians under
21 s. 48.977 (2), contracting for services for them by licensed child welfare agencies, or
22 replacing them in juvenile correctional facilities or secured residential care centers
23 for children and youth in accordance with rules promulgated under ch. 227, except
24 that the county department may not purchase the educational component of private
25 day treatment programs unless the county department, the school board, as defined

1 in s. 115.001 (7), and the state superintendent of public instruction determine that
2 an appropriate public education program is not available. Disputes between the
3 county department and the school district shall be resolved by the state
4 superintendent of public instruction.

5 **SECTION 317.** 938.57 (3) (a) 4. of the statutes is amended to read:

6 938.57 (3) (a) 4. Is living in a foster home, ~~treatment foster home~~, group home,
7 residential care center for children and youth, or subsidized guardianship home
8 under s. 48.62 (5).

9 **SECTION 318.** 940.201 (1) (a) of the statutes is amended to read:

10 940.201 (1) (a) "Family member" means a spouse, child, stepchild, foster child,
11 ~~treatment foster child~~, parent, sibling, or grandchild.

12 **SECTION 319.** 940.203 (1) (a) of the statutes is amended to read:

13 940.203 (1) (a) "Family member" means a parent, spouse, sibling, child,
14 stepchild, ~~foster child~~ or ~~treatment~~ foster child.

15 **SECTION 320.** 940.205 (1) of the statutes is amended to read:

16 940.205 (1) In this section, "family member" means a parent, spouse, sibling,
17 child, stepchild, ~~foster child~~ or ~~treatment~~ foster child.

18 **SECTION 321.** 940.207 (1) of the statutes is amended to read:

19 940.207 (1) In this section, "family member" means a parent, spouse, sibling,
20 child, stepchild, ~~foster child~~ or ~~treatment~~ foster child.

21 **SECTION 322.** 940.43 (1) of the statutes is amended to read:

22 940.43 (1) Where the act is accompanied by force or violence or attempted force
23 or violence, upon the witness, or the spouse, child, stepchild, foster child, ~~treatment~~
24 ~~foster child~~, parent, sibling, or grandchild of the witness, or any person sharing a
25 common domicile with the witness.

1 **SECTION 323.** 940.45 (1) of the statutes is amended to read:

2 940.45 (1) Where the act is accompanied by force or violence or attempted force
3 or violence, upon the victim, or the spouse, child, stepchild, foster child, ~~treatment~~
4 ~~foster child~~, parent, sibling, or grandchild of the victim, or any person sharing a
5 common domicile with the victim.

6 **SECTION 324.** 943.011 (1) (a) of the statutes is amended to read:

7 943.011 (1) (a) "Family member" means a spouse, child, stepchild, foster child,
8 ~~treatment foster child~~, parent, sibling, or grandchild.

9 **SECTION 325.** 943.013 (1) (a) of the statutes is amended to read:

10 943.013 (1) (a) "Family member" means a parent, spouse, sibling, child,
11 stepchild, ~~foster child~~ or ~~treatment foster child~~.

12 **SECTION 326.** 943.015 (1) of the statutes is amended to read:

13 943.015 (1) In this section, "family member" means a parent, spouse, sibling,
14 child, stepchild, ~~foster child~~ or ~~treatment foster child~~.

15 **SECTION 327.** 943.017 (2m) (a) 1. of the statutes is amended to read:

16 943.017 (2m) (a) 1. "Family member" means a spouse, child, stepchild, foster
17 child, ~~treatment foster child~~, parent, sibling, or grandchild.

18 **SECTION 328.** 948.01 (3) of the statutes is amended to read:

19 948.01 (3) "Person responsible for the child's welfare" includes the child's
20 parent; stepparent; guardian; foster parent; ~~treatment foster parent~~; an employee of
21 a public or private residential home, institution, or agency; other person legally
22 responsible for the child's welfare in a residential setting; or a person employed by
23 one legally responsible for the child's welfare to exercise temporary control or care
24 for the child.

25 **SECTION 329.** 948.085 (1) of the statutes is amended to read:

1 948.085 (1) Has sexual contact or sexual intercourse with a child for whom the
2 actor is a foster parent or treatment foster parent.

3 **SECTION 330.** 949.06 (1m) (a) of the statutes is amended to read:

4 949.06 (1m) (a) In this subsection, "family member" means any spouse, parent,
5 grandparent, stepparent, child, stepchild, adopted child, grandchild, foster child,
6 ~~treatment foster child~~, brother, sister, half brother, half sister, aunt, uncle, nephew,
7 niece, or parent or sibling of spouse.

8 **SECTION 331.** 973.017 (6) (a) of the statutes is amended to read:

9 973.017 (6) (a) In this subsection, "person responsible for the welfare of the
10 child" includes the child's parent, stepparent, guardian, ~~foster parent~~, or ~~treatment~~
11 ~~foster parent~~; an employee of a public or private residential home, institution, or
12 agency; any other person legally responsible for the child's welfare in a residential
13 setting; or a person employed by one who is legally responsible for the child's welfare
14 to exercise temporary control or care for the child.

15 **SECTION 9108. Nonstatutory provisions; Children and Families.**

16 (1) FOSTER CARE LEVELS OF CARE.

17 (a) *Transition.* Notwithstanding section 48.62 (1) of the statutes, as affected
18 by this act, beginning on January 1, 2010, a person who on December 31, 2009, is
19 licensed to operate a treatment foster home under section 48.62 (1) (b), 2007 stats.,
20 is considered to be licensed to operate a foster home under section 48.62 (1) of the
21 statutes, as affected by this act, for the remainder of the term of the treatment foster
22 home license under section 48.66 (1) (c), 2007 stats., or 48.75 (1r), 2007 stats., and
23 a person who on December 31, 2009, is receiving kinship care payments under
24 section 48.57 (3m), 2007 stats., or long-term kinship care payments under section
25 48.57 (3n), 2007 stats., for the care and maintenance of a child is considered to be

(8)(c)

1 licensed to operate a foster home under section 48.62 (1) of the statutes, as affected
2 by this act, until the time when the next review of the child's placement would have
3 taken place under section 48.57 (3m) (d), 2007 stats., or 48.57 (3n) (d), 2007 stats.
4 Beginning on January 1, 2010, the department of children and families, the
5 department of corrections, or a county department of human or social services shall
6 reimburse a person who under this paragraph is considered to be licensed to operate
7 a foster home at the appropriate rate determined by that department or county
8 department under the rules promulgated by the department of children and families
9 under section 48.62 (4)(c) of the statutes, as affected by this act.

10 (b) *Rules.*

11 1. 'Permanent rules.' The department of children and families shall submit in
12 proposed form the rules required under section 48.62 (4) of the statutes, as affected
13 by this act, to the legislative council staff under section 227.15 (1) of the statutes no
14 later than the first day of the 3rd month beginning after the effective date of this
15 subdivision.

16 2. 'Emergency rules.' The department of children and families may promulgate
17 the rules required under section 48.62 (4) of the statutes, as affected by this act, as
18 emergency rules under section 227.24 of the statutes. Notwithstanding section
19 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this
20 subdivision remain in effect until the date on which the rules submitted under
21 subdivision 1. take effect. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of
22 the statutes, the department is not required to provide evidence that promulgating
23 a rule under this subdivision as an emergency rule is necessary for the preservation
24 of the public peace, health, safety, or welfare and is not required to provide a finding
25 of emergency for a rule promulgated under this subdivision.

SECTION 9408. Effective dates; Children and Families.

(1) FOSTER CARE LEVELS OF CARE. The repeal of sections 48.02 (17q), 48.40 (1m), 48.48 (17) (a) 10., 48.57 (3m), 48.57 (3n), 48.57 (3p), 48.57 (3t), 48.62 (1) (b), 49.001 (7), 49.155 (1m) (c) 1h., 49.46 (1) (a) 16., 50.065 (1) (c) 2., 619.01 (1) (c) 4m., 619.01 (9m), 767.57 (1m) (cm), 895.485 (1) (c), and 938.02 (17q) of the statutes, the renumbering of section 48.62 (1) (a) of the statutes, ~~the renumbering and amendment of section 48.62 (4) of the statutes,~~ the amendment of sections 20.410 (3) (ho), 20.437 (1) (b), 20.437 (1) (cf), 20.437 (1) (dd), 20.437 (1) (kc), 20.437 (1) (kd), 20.437 (1) (pd), 20.437 (2) (jm), 20.437 (2) (r), 46.10 (14) (a), 46.10 (14) (b), 46.21 (2) (j), 46.56 (8) (L), 46.56 (15) (b) 4., 46.985 (1) (f), 48.01 (1) (gg), 48.02 (6), 48.195 (2) (d) 5., 48.207 (1) (c), 48.207 (1) (f), 48.207 (3), 48.21 (5) (d) 2., 48.21 (5) (d) 3., 48.27 (3) (a) 1., 48.27 (3) (a) 1m., 48.27 (3) (a) 2., 48.27 (6), 48.299 (1) (ag), 48.299 (1) (ar), 48.32 (1) (c) 2., 48.32 (1) (c) 3., 48.33 (4) (intro.), 48.33 (5), 48.335 (3g) (intro.), 48.345 (3) (c), 48.355 (2) (b) 2., 48.355 (2d) (c) 2., 48.355 (2d) (c) 3., 48.355 (4), 48.357 (1) (am) 1., 48.357 (2m) (b), 48.357 (2r), 48.357 (2v) (c) 2., 48.357 (2v) (c) 3., 48.363 (1) (b), 48.363 (1m), 48.365 (2), 48.365 (2m) (ad) 2., 48.365 (2m) (ag), 48.371 (1) (intro.), 48.371 (1) (a), 48.371 (3) (intro.), 48.371 (3) (d), 48.371 (5), 48.375 (4) (a) 1., 48.375 (4) (b) 1m., 48.375 (4) (b) 3., 48.375 (7) (f), 48.38 (2) (intro.), 48.38 (2) (g), 48.38 (4) (d) (intro.), 48.38 (4) (f) (intro.), 48.38 (5) (b), 48.38 (5) (e), 48.38 (5m) (b), 48.38 (5m) (c), 48.38 (5m) (e), 48.42 (2) (d), 48.42 (2g) (a), 48.42 (2g) (am), 48.42 (2g) (b), 48.427 (1m), 48.427 (3m) (a) 5., 48.427 (3m) (am), 48.428 (2) (a), 48.428 (2) (b), 48.428 (4), 48.43 (5) (b), 48.43 (5m), 48.48 (9), 48.48 (17) (a) 3., 48.48 (17) (a) 8., 48.48 (17) (c) 4., 48.481 (1) (a), 48.52 (1) (a), 48.52 (1) (b), 48.52 (1) (c), 48.569 (1) (d), 48.57 (1) (c), 48.57 (1) (hm), 48.57 (1) (i), 48.57 (3) (a) 4., 48.60 (2) (e), 48.61 (3), 48.61 (7), 48.615 (1) (b), subchapter XIV (title) of chapter 48 [precedes 48.619], 48.619, 48.62 (title), 48.62 (2),

48.62 (4)

- 1 48.62 (3), 48.62 (5) (a) (intro.), 48.62 (5) (c) 2., 48.62 (5) (d), 48.62 (5) (e), 48.62 (6),
2 48.62 (7), 48.625 (3), 48.627 (title), 48.627 (2) (a), 48.627 (2c), 48.627 (2m), 48.627 (2s)
3 (a), 48.627 (2s) (b), 48.627 (3) (b), 48.627 (3) (d), 48.627 (3) (e), 48.627 (3) (f), 48.627
4 (3) (h), 48.627 (4), 48.627 (5), 48.63 (1), 48.63 (3) (b) 2., 48.63 (4), 48.64 (title), 48.64
5 (1), 48.64 (1m), 48.64 (1r), 48.64 (2), 48.64 (4) (a), 48.64 (4) (c), 48.645 (1) (a), 48.645
6 (2) (a) 1., 48.645 (2) (a) 3., 48.645 (2) (a) 4., 48.645 (2) (b), subchapter XVI (title) of
7 chapter 48 [precedes 48.66], 48.66 (1) (a), 48.66 (1) (c), 48.67 (intro.), 48.675 (1),
8 48.675 (2), 48.675 (3) (intro.), 48.675 (3) (a), ~~48.68 (1)~~, 48.685 (1) (b), 48.685 (2) (c) 1.,
9 48.685 (2) (c) 2., 48.685 (4m) (a) (intro.), 48.685 (4m) (ad), 48.685 (5) (bm) (intro.),
10 48.685 (5m), 48.685 (6) (a), 48.70 (2), 48.73, 48.75 (title), 48.75 (1d), ~~48.75 (1r)~~, 48.75
11 (2), 48.833 (1), 48.833 (2), 48.837 (1), 48.837 (1r) (b), 48.88 (2) (am) 1., 48.88 (2) (am)
12 2., 48.975 (3) (a) 1., 48.975 (3) (a) 2., 48.98 (1), 48.98 (2) (a), 48.981 (3) (d) 1., 48.981
13 (7) (a) 4., 48.986 (4), 49.136 (1) (m), 49.155 (1) (c), 49.155 (1m) (a) (intro.), 49.155 (1m)
14 (a) 1m. b., 49.155 (1m) (bm), 49.155 (1m) (c) 1. (intro.), 49.175 (1) (ze) 1., 49.19 (1) (a)
15 2. b., 49.19 (4e) (a), 49.19 (10) (a), 49.19 (10) (c), 49.19 (10) (d), 49.19 (10) (e), 49.22
16 (6), 49.22 (7m), 49.32 (9) (a), 49.34 (1), 49.345 (14) (a), 49.345 (14) (b), 49.45 (3) (e) 7.,
17 49.46 (1) (a) 5., 49.46 (1) (d) 1., 49.471 (4) (a) 5., 49.96, 50.01 (1) (a) 1., 50.01 (1) (a)
18 2., 59.69 (15) (intro.), 59.69 (15) (bm), 60.63 (intro.), 60.63 (3), 62.23 (7) (i) (intro.),
19 62.23 (7) (i) 2m., 103.10 (1) (a) (intro.), 103.10 (1) (f), 118.175 (1), 121.79 (1) (d) (intro.),
20 121.79 (1) (d) 2., 121.79 (1) (d) 3., 146.82 (2) (a) 18m., 167.10 (7), 252.15 (5) (a) 19.,
21 253.10 (3) (c) 2. c., 301.12 (14) (a), 301.12 (14) (b), 301.26 (4) (d) 2., 301.26 (4) (d) 3.,
22 301.26 (4) (e), 301.26 (4) (ed), 301.46 (4) (a) 6., 343.15 (4) (a) 3., 619.01 (1) (a), 619.01
23 (1) (c) 1., 619.01 (9), 767.205 (2) (a) 3., 767.205 (2) (a) 4., 767.407 (1) (c) 1., 767.41 (3)
24 (c), 767.521 (intro.), 767.55 (3) (a) 2., 767.57 (2), 767.57 (4), 767.59 (1c) (a) (intro.),
25 767.87 (6) (a), 767.87 (6) (b), 786.37 (3), 809.105 (13), 895.485 (title), 895.485 (2)

574
leg
in

(intro.), 895.485 (2) (a), 895.485 (2) (b), 895.485 (3), 895.485 (4) (intro.), 895.485 (4) (a), 938.02 (6), 938.207 (1) (c), 938.207 (1) (f), 938.21 (5) (d) 2., 938.21 (5) (d) 3., 938.27 (3) (a) 1., 938.27 (3) (a) 1m., 938.27 (3) (a) 2., 938.27 (6), 938.299 (1) (ag), 938.32 (1) (d) 2., 938.32 (1) (d) 3., 938.33 (4) (intro.), 938.33 (5), 938.335 (3g) (intro.), 938.34 (3) (c), 938.355 (2) (b) 2., 938.355 (2d) (c) 2., 938.355 (2d) (c) 3., 938.355 (4) (a), 938.357 (1) (am) 1., 938.357 (1) (am) 2., 938.357 (2m) (b), 938.357 (2r), 938.357 (2v) (c) 2., 938.357 (2v) (c) 3., 938.357 (6), 938.363 (1) (b), 938.363 (1m), 938.365 (2), 938.365 (2m) (ad) 2., 938.365 (2m) (ag), 938.365 (5), 938.371 (1) (intro.), 938.371 (1) (a), 938.371 (3) (intro.), 938.371 (3) (d), 938.38 (2) (intro.), 938.38 (4) (f) (intro.), 938.38 (5) (b), 938.38 (5) (e), 938.38 (5m) (b), 938.38 (5m) (c), 938.38 (5m) (e), 938.48 (4), 938.52 (1) (b), 938.538 (3) (a) 1p., 938.57 (1) (c), 938.57 (3) (a) 4., 940.201 (1) (a), 940.203 (1) (a), 940.205 (1), 940.207 (1), 940.43 (1), 940.45 (1), 943.011 (1) (a), 943.013 (1) (a), 943.015 (1), 943.017 (2m) (a) 1., 948.01 (3), 948.085 (1), 949.06 (1m) (a), and 973.017 (6) (a) of the statutes, and the creation of section 48.62 (4) (intro.), (a), (b), and (d) of the statutes and SECTION 9108 (1) (a) of this act take effect on January 1, 2010.

(8)

(END)

D-note

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0884/2ins
GMM.....

(INSERT 41-13)

X
1 **SECTION 1.** 48.62 (4) of the statutes is amended to read:

2 48.62 (4) Monthly payments in foster care shall be provided according to the
3 ~~age-related~~ rates specified in this subsection. Beginning on January 1, 2008 2010,
4 the ~~age-related~~ rates are \$215 for care and maintenance provided by a relative of a
5 child of any age and, for care and maintenance provided by a nonrelative, \$333 for
6 a child under 5 years of age; \$363 for a child 5 to 11 years of age; \$414 for a child 12
7 to 14 years of age; and \$432 for a child 15 years of age or over. Beginning on January
8 1, 2009 2011, the ~~age-related~~ rates are \$215 for care and maintenance provided by
9 a relative of a child of any age and, for care and maintenance provided by a
10 nonrelative, \$349 for a child under 5 years of age; \$381 for a child 5 to 11 years of age;
11 \$433 for a child 12 to 14 years of age; and \$452 for a child 15 years of age or over. In
12 addition to these grants for basic maintenance, the department shall make
13 supplemental payments for ~~special needs, exceptional circumstances, care in a~~
14 ~~treatment foster home, and initial clothing allowances~~ foster care that are
15 commensurate with the level of care that the foster home is licensed to provide and
16 the needs of the child who is placed in the foster home according to the rules
17 promulgated by the department under sub. (8) (c).

History: 1977 c. 354 s. 101; 1977 c. 418, 447; 1981 c. 20; 1985 a. 29 s. 3202 (23); 1985 a. 176, 281, 332, 403; 1989 a. 31, 336; 1993 a. 395 ss. 31m, 39; 1993 a. 437 s. 67; 1993 a. 446 ss. 79 to 82, 134m; 1993 a. 491; 1995 a. 275; 1997 a. 27, 334; 1999 a. 9; 2001 a. 69; 2005 a. 25, 232, 387; 2007 a. 20 ss. 810, 1322, 1323; s. 13.93 (2) (c).

(END OF INSERT)

(INSERT 43-23)

X
18 **SECTION 2.** 48.62 (8) of the statutes is created to read:

19 48.62 (8) The department shall promulgate rules relating to foster homes as
20 follows:

1 (a) Rules providing levels of care that a foster home is licensed to provide.
2 Those levels of care shall be based on the level of knowledge, skill, training,
3 experience, and other qualifications that are required of the licensee, the level of
4 responsibilities that are expected of the licensee, the needs of the children who are
5 placed with the licensee, and any other requirements relating to the ability of the
6 licensee to provide for those needs that the department may promulgate by rule.

7 (b) Rules establishing a standardized assessment tool to assess the needs of a
8 child placed or to be placed outside the home, to determine the level of care that is
9 required to meet those needs, and to place the child in a placement that meets those
10 needs. A foster home that is licensed to provide a given level of care under par. (a)
11 may provide foster care for any child whose needs are assessed to be at or below the
12 level of care that the foster home is licensed to provide.

13 (c) Rules providing monthly rates of reimbursement for foster care that are
14 commensurate with the level of care that the foster home is licensed to provide and
15 the needs of the child who is placed in the foster home. Those rates shall include rates
16 for supplemental payments for special needs, exceptional circumstances, and initial
17 clothing allowances for children placed in a foster home.

18 (d) Rules providing a monthly retainer fee for a foster home that agrees to
19 maintain openings for emergency placements.

(END OF INSERT)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0884/2dn

GMM.....

6 Lbjk

Date

Cory:

This redraft incorporates the changes that we discussed relating to reconciling this draft with LRB09-1338 relating to statutory foster basic maintenance rates and LRB09-0357 relating to statutory daily rates for juvenile correctional services.

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0884/2dn
GMM:bjk:ph

January 24, 2009

Cory:

This redraft incorporates the changes that we discussed relating to reconciling this draft with LRB09-1338 relating to statutory foster basic maintenance rates and LRB09-0357 relating to statutory daily rates for juvenile correctional services.

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